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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/813,806

03/31/2004

Constantin Cope

8627/487 (PA-5391RFB)

7536

27879

7590

12/15/2006

INDIANAPOLIS OFFICE 27879
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EXAMINER

BOUCHELLE, LAURA A

ART UNIT

PAPER NUMBER

3763

DATE MAILED: 12/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/813,806

Applicant(s)

COPE ET AL.

Examiner

Laura A. Bouchelle

Art Unit

3763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-24 and 29-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-24, 29-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 5, 7, 8, 13, 14, 15, 16, 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Raulerson (US 5045065). Raulerson teaches a catheter introduction syringe comprising a needle 202 attached to a needle hub 200; a needle hub attachment assembly 216, an assembly 30 comprising a hemostatic segment, including a valve 28 (Col. 11, lines 7-36). See Fig. 9. The assembly comprising the hemostatic segment is a guidewire inserter.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 3, 4, 12, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raulerson in view of Raulerson et al (US 6551281) [Hereinafter Raulerson II]. Claims 3, 4, 32 differ from Raulerson in calling for the hemostatic segment to include a guidewire holder that is preloaded with a guidewire. Claim 12 calls for the holder to fasten the guidewire in a loop. Raulerson II teaches a guidewire advancer comprising a guidewire holder 24 that is preloaded with a guidewire 21 fastened in a loop so that the guidewire can be easily manipulated by the user and remain sterile while it is inserted into the patient through the introducer device 30. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include in the device of Raulerson a preloaded guidewire holder as taught by Raulerson II so that the guidewire can be easily manipulated by the user and remain sterile while it is inserted into the patient through the introducer device.

5. Claims 9, 10, 17, 18, 21-24, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raulerson in view of Vaillancourt (US 6699221). Claims 9 differ from Raulerson in calling for the needle hub attachment assembly to include a valve. Claim 17 differs in calling for the needle assembly segment to include a valve. Vaillancourt teaches a bloodless catheter comprising a needle 12 and a needle hub 11 having an elastomeric valve 16 that allows for the insertion of a guidewire 14 through the needle and into the vasculature without losing blood through the needle. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Raulerson to include a valve in the hub attachment assembly.

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6. Claims 11, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raulerson in view of Padilla et al (US 5984895). Claims 11, 31 differ from Raulerson in calling for the needle hub attachment assembly to be transparent. Padilla teaches a vascular blood flashback containment device comprising a hub attachment assembly 38 that is transparent to allow for visualization of blood contained in that segment (Col. 6, lines 12-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Raulerson to include a transparent portion as taught by Padilla to allow for visualization of blood contained in the hub attachment area.

7. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Raulerson in view of Vaillancourt as applied to claim 17 above, and further in view of Raulerson II. Claim 19 differs from the teachings of Raulerson in view of Vaillancourt in calling for a guidewire holder. Raulerson II teaches this feature as discussed above with regard to claims 3 and 4.

8. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Raulerson in view of Vaillancourt as applied to claim 17 above, and further in view of Padilla. Claim 20 differs from the teachings of Raulerson in view of Vaillancourt in calling for a transparent chamber. Padilla teaches this feature as discussed with regards to claim 11 above.

Response to Arguments

9. Applicant's arguments, see pages 8-10, filed 9/21/06, with respect to the rejection(s) of claim(s) 1, 2, 5-11, 13-16 under Padilla have been fully considered and are persuasive.

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Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Raulerson as above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A. Bouchelle whose telephone number is 571-272-2125. The examiner can normally be reached on Monday-Friday 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas Lucchesi can be reached on 517-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Laura A Bouchelle
Examiner
Art Unit 3763

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